

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 5, 2010

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No. 09-20536  
Summary Calendar

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Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN GONZALEZ PENA, also known as Juan Carlos Gonzalez Pena, also known as Juan Pena Gonzalez, also known as Juan Carlos Gonzalez-Pena, also known as Juan Carlos Gonzalez,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:09-CR-121-1

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Before HIGGINBOTHAM, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Juan Gonzalez Pena has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*.<sup>1</sup> Gonzalez Pena has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

<sup>1</sup> 386 U.S. 738 (1967).

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Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED.<sup>2</sup>

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<sup>2</sup> See 5TH CIR. R. 42.2.